

# **EXHIBIT A**

**Bartlett, Mark**

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**From:** Friedman, Andrew (USAWAW) <Andrew.Friedman@usdoj.gov>  
**Sent:** Thursday, March 26, 2015 1:43 PM  
**To:** Robert McCallum; Bartlett, Mark  
**Cc:** Storm, Arlen (USAWAW); Frierson, Kathryn K. (USAWAW)  
**Subject:** RE: Troy Kelley

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Rob and Mark,

With the understanding, based on Rob's e-mail below, that you will use the information set forth below for the sole purpose of determining whether you have any information we should consider in advance of any charging decision, we are providing the following information.

We currently are considering the following charges (although the grand jury, or we, may decide to add, change, or eliminate charges):

Possession and Concealment of Stolen Money, 18 U.S.C. § 2315, based on Troy Kelley's possession and concealment of stolen reconveyance fees;

Perjury and Obstruction of Justice, 18 U.S.C. § 1623 and 18 U.S.C. § 1512, based on Troy Kelley's concealment of assets and false deposition testimony during litigation with Old Republic;

Corrupt Interference with Internal Revenue Laws, 26 U.S.C. § 7212, based on Troy Kelley's tax handling of the stolen reconveyance fees, including his underreporting of income in years

up to and including 2008, false tax filings beginning in 2011, and false statements to IRS agents in April 2013;

False Tax Filings, 26 U.S.C. § 7206(1), based on Troy Kelley's underreporting of income in 2008, and his reporting of false deductions in 2011 and 2012

False Statements, 18 U.S.C. § 1001, based on Kelley's false statements to IRS agents in 2013.

We recognize that, pursuant to Department of Justice policy, if we decide to pursue the charges of False Tax Filings for the tax years 2011 and 2012, your client is entitled to a conference with the Tax Division before those particular charges are filed.

Please let us know if you decide you do have information that you believe we should consider.

Andrew

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**From:** Robert McCallum [mailto:rmccallum@lesourd.com]  
**Sent:** Wednesday, March 25, 2015 10:50 AM  
**To:** Friedman, Andrew (USAWAW); Bartlett, Mark  
**Cc:** Storm, Arlen (USAWAW); Frierson, Kathryn K. (USAWAW)  
**Subject:** RE: Troy Kelley

Andrew,

Is it possible to get the specific charges?

This would allow us to make a decision as to whether we have anything meaningful for you to consider.

It would seem that at this point there is no reason or tactical advantage for the USA's office to not provide us with the specific charges.

Thanks.

Rob

**Robert M. McCallum**  
Attorney At Law  
LeSourd & Patten, P.S.  
600 University Street, Suite 2401  
Seattle, Washington 98101  
206.624.1040  
206.357.5086 (direct line)  
206.601.1127 (cell)  
206.223.1099 (fax)  
[www.lesourd.com](http://www.lesourd.com)

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**From:** Friedman, Andrew (USAWAW) [mailto:[Andrew.Friedman@usdoj.gov](mailto:Andrew.Friedman@usdoj.gov)]  
**Sent:** Wednesday, March 25, 2015 9:36 AM  
**To:** Bartlett, Mark ([MarkBartlett@dwt.com](mailto:MarkBartlett@dwt.com))  
**Cc:** Robert M. McCallum ([rmccallum@lesourd.com](mailto:rmccallum@lesourd.com)); Storm, Arlen (USAWAW); Frierson, Katheryn K. (USAWAW)  
**Subject:** FW: Troy Kelley

Mark,

While I disagree with many of the assertions in your email, I do not believe that it would be fruitful to debate those issues now. As this Office has made clear on numerous occasions in our communications with you, in the event that you have any information or arguments that you believe we should consider, we remain willing to meet and consider whatever you present to us.

Please let us know if you would like to have such a meeting.

Andrew

**From:** Bartlett, Mark [mailto:[MarkBartlett@dwt.com](mailto:MarkBartlett@dwt.com)]  
**Sent:** Tuesday, March 24, 2015 9:36 AM  
**To:** Friedman, Andrew (USAWAW); Robert M. McCallum ([rmccallum@lesourd.com](mailto:rmccallum@lesourd.com))  
**Cc:** Frierson, Katheryn K. (USAWAW); Storm, Arlen (USAWAW)  
**Subject:** RE: Troy Kelley

Andrew,

I am deeply disappointed by your response. What I know is that in long term white collar investigations the overwhelming practice of the Office is to meet and discuss the potential charges and evidence with opposing

counsel. There is no risk of obstruction or risk of flight, and it often provides a forum where both sides can more fairly evaluate the evidence. One would assume that this would be especially true in this case.

As I mentioned in my June 9, 2104, letter to Jenny Durkan and Tessa Gorman, all we ask is that the office provide Troy the same level of professionalism and considerations other defendants are shown – no better, no worse. It is striking that despite our requests for months that you meet with us and discuss your investigation, even on the eve of a potential indictment you refuse to provide any relevant legal theories or underlying facts. It would be helpful if you could articulate a reason beyond the obvious tactical advantage that underlies your reluctance.

This course of events would not be so troubling but for on the eve of indictment in June 2014 we were able to come forward and provide the Office important and relevant information that clearly impacted the Office's evaluation of potential charges. An objective observer would think you would want the same input this time before you return public charges that will destroy a person's life. I find your reluctance inexplicable and to fall short of the underlying principles of fairness and justice that provide the moral framework supporting the Department of Justice.

Mark

**Mark Bartlett** | Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200 | Seattle, WA 98101  
Tel: (206) 757-8298 | Fax: (206) 757-7298 Mobile: (206) 794-0705  
Email: [markbartlett@dwt.com](mailto:markbartlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

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**From:** Friedman, Andrew (USAWAW) [<mailto:Andrew.Friedman@usdoj.gov>]  
**Sent:** Monday, March 23, 2015 7:31 PM  
**To:** Bartlett, Mark; Robert M. McCallum ([rmccallum@lesourd.com](mailto:rmccallum@lesourd.com))  
**Cc:** Frierson, Katheryn K. (USAWAW); Storm, Arlen (USAWAW)  
**Subject:** Troy Kelley

Mark,

As you know, our Office generally does not meet with defendants' lawyers to explain specific charges that the Office is considering bringing and the particular evidence underlying those charges. You previously have indicated you wish to discuss what you have described as "critical issues that [you] believe should be considered." As we previously have indicated, in the event that you and Rob wish to meet and provide evidence or arguments as to why your client should not be charged federally in connection with his operation of Post Closing Department, his conduct during the subsequent litigation against him, and his tax treatment of income and expenses relating to that business, we are willing to meet and to consider any information that you wish to provide.

Please let us know if you would like to have such a meeting.

Andrew

**From:** Bartlett, Mark [<mailto:MarkBartlett@dwt.com>]  
**Sent:** Sunday, March 22, 2015 6:09 PM  
**To:** Friedman, Andrew (USAWAW); Frierson, Katheryn K. (USAWAW); Storm, Arlen (USAWAW)  
**Cc:** Robert M. McCallum  
**Subject:** Troy Kelley

Given the unfortunate press disclosures that have occurred over the past week, I assume there is no continued need for the government to keep the this investigation cloaked in secrecy any longer. Rob and I would like set up a meeting as soon as possible where you can explain the charges you anticipate bringing and the evidence underlying those charges.

Mark

**Mark Bartlett | Davis Wright Tremaine LLP**

1201 Third Avenue, Suite 2200 | Seattle, WA 98101

Tel: (206) 757-8298 | Fax: (206) 757-7298 Mobile: (206) 794-0705

Email: [markbartlett@dwt.com](mailto:markbartlett@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

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